

RESOLUTION NO. 2020-31192

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE DURATION OF THOSE DISCRETIONARY EMERGENCY MEASURES THAT THE CITY MANAGER DEEMS NECESSARY TO ADDRESS THE COVID-19 PANDEMIC IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, AND WHICH MAY BE IMPLEMENTED DURING THIS STATE OF EMERGENCY, BEYOND THE 72-HOUR TIME PERIOD SET FORTH IN SECTION 26-35 OF THE CITY CODE, FOR A PERIOD OF SEVEN (7) DAYS COMMENCING MARCH 12, 2020, AND ENDING ON MARCH 19, 2020; PROVIDED, HOWEVER, THAT, UPON REQUEST BY THE CITY MANAGER, THE CITY COMMISSION SHALL EXTEND THE AFORESAID 7 DAY PERIOD FOR 7 MORE CONSECUTIVE DAYS, AT THE CITY COMMISSION MARCH 18, 2020 MEETING.

WHEREAS, in late 2019, a new and significant outbreak of Coronavirus Disease 2019 emerged in China; and

WHEREAS, the Coronavirus Disease 2019 (“COVID-19”) is a severe and acute respiratory illness that can spread amongst persons by respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, the World Health Organization has declared COVID-19 to be a Public Health Emergency of International Concern and, on Wednesday, March 11, 2020, the World Health Organization declared the rapidly spreading COVID-19 disease a worldwide pandemic, which will likely spread to all countries around the World; and

WHEREAS, Florida Governor Ron DeSantis issued an Executive Order on March 1, 2020 directing the Surgeon General of the State of Florida to issue a public health emergency and, in response to the pandemic outbreak of COVID-19, Governor DeSantis declared a State of Emergency on March 9, 2020 based upon its impact to the State of Florida; and

WHEREAS, COVID-19 has impacted one-hundred fourteen (114) countries around the globe, and these countries have reported that 125,000 individuals have contracted COVID-19, with nearly 4,300 people having died from this disease; and

WHEREAS, in direct response to the first confirmed case of COVID-19 in Miami-Dade County on March 11, 2020, Miami-Dade County Mayor Carlos Gimenez declared a State of Emergency for Miami-Dade County, and, subsequently suspended the operation of the Miami-Dade County Youth Fair, the Miami Open tennis tournament, the MIA 5K run, and all major events at the American Airlines Arena; and

WHEREAS, to control the spread of COVID-19 and mitigate its effects, Section 26-31 of the City Code authorizes the City Manager to determine there exists an imminent threat to public peace or order and to the general welfare of the City exists, and to declare a State of Emergency and impose certain discretionary emergency measures to protect the public health, safety and welfare of the residents and visitors to the City of Miami Beach; and

WHEREAS, the City Manager has determined that, pursuant to Section 26-31, such State of Emergency exists in the City and, on March 12, 2020, issued a Declaration of a State of Emergency in the City of Miami Beach (the City Manager's Declaration of a State of Emergency is attached and incorporated as Exhibit "A" hereto); and

WHEREAS, the City Manager is authorized, pursuant to Section 26-33 of the City Code, to order and promulgate any (or all) of those discretionary emergency measures, in whole or in part, with such limitations and conditions as the City Manager may deem appropriate; and

WHEREAS, the duration of such discretionary emergency measures is limited to a period of 72 consecutive hours, unless an extension is authorized by the City Commission by duly enacted resolution in a regular or special session of the City Commission; and

WHEREAS, pursuant to Section 252.38 of the Florida Statutes, the duration of each State of Emergency declared locally is limited to seven (7) days; however, the Statute also provides that such State of Emergency may be extended, as necessary, in 7-day increments; and

WHEREAS, the City Manager hereby requests that the City Commission grant him the authority to implement those discretionary emergency measures, as he may deem appropriate, beyond the consecutive 72-hour period established in Section 26-35 of the City Code, and approve the continuation of such measures, for a period of seven (7) days commencing March 12, 2020, and to seek a further extension at the City Commission meeting scheduled on March 18, 2020.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City Manager is hereby authorized to extend the duration of those discretionary emergency measures that the City Manager deems necessary to address the COVID-19 pandemic in order to protect the public health, safety and welfare, and which may be implemented during this State of Emergency, beyond the 72-hour time period set forth in section 26-35 of the City Code, for a period of seven (7) days commencing March 12, 2020, and ending on March 19, 2020; provided, however, that, upon request by the City Manager, the City Commission shall extend the aforesaid 7 day period for 7 more consecutive days, at the City Commission March 18, 2020 meeting.

PASSED and ADOPTED this 13 day of March, 2020.

ATTEST:



Dan Gelber, Mayor



Rafael E. Granado, City Clerk



APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

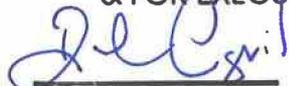

City Attorney MAF 3/13/20
Date

Exhibit "A"

CITY OF MIAMI BEACH

DECLARATION OF A STATE OF EMERGENCY

WHEREAS, the Coronavirus Disease 2019 ("COVID-19") is a severe and acute respiratory illness that can spread amongst persons by respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, shortly after the initial COVID-19 outbreak, the Center for Disease Control and Prevention ("CDC") deemed it necessary to prohibit or restrict any non-essential travel to or from various countries (including China, Iran, Italy and South Korea), and advised older travelers and those with chronic medical conditions to avoid nonessential travel to Japan. Moreover, the CDC issued an advisory that all travelers exercise enhanced precautions when travelling; and

WHEREAS, equally important, the World Health Organization ("WHO") has declared COVID-19 to be a Public Health Emergency of International Concern and, on Wednesday, March 11, 2020, the WHO declared the rapidly spreading COVID-19 disease a worldwide pandemic, which will likely spread to all countries around the World; and

WHEREAS, Florida Governor Ron DeSantis ("Governor DeSantis") issued an Executive Order on March 1, 2020 directing the Surgeon General of the State of Florida to issue a public health emergency and, in response to the pandemic outbreak of COVID-19, Governor DeSantis declared a State of Emergency on March 9, 2020 based upon its impact to the State of Florida (See Florida's State of Emergency, attached and incorporated as Exhibit "A" hereto); and

WHEREAS, Florida state health officials confirmed three (3) new cases of COVID-19 in Florida on March 11, 2020, including the first confirmed case in Miami-Dade County, a 56-year-old man who tested positive and had traveled recently; and

WHEREAS, the total number of known COVID-19 cases in Florida cases currently stands at twenty-six (26), of which twenty-three (23) such persons are Florida residents; and

WHEREAS, in direct response to the first confirmed case of COVID-19 in Miami-Dade County on March 11, 2020, Miami-Dade County Mayor Carlos Gimenez ("Mayor Gimenez") declared a State of Emergency for Miami-Dade County, and, subsequently suspended the operation of the Miami-Dade County Youth Fair, the Miami Open tennis tournament, the MIA 5K run, and all major events at the American Airlines Arena; and

WHEREAS, COVID-19 has impacted one-hundred fourteen (114) countries around the globe, and these countries have reported that 118,000 individuals have contracted COVID-19, with nearly 4,300 people having died from this disease; and

WHEREAS, in the United States alone, over one-thousand (1,000) cases of COVID-19 have been diagnosed, and twenty-nine (29) people have died from the disease and, President Donald J. Trump signed a Presidential Proclamation on March 11, 2020, suspending the entry of most foreign nationals who have been in certain European countries at any point during the fourteen (14) days prior to their scheduled arrival to the United States. These countries, known as the Schengen Area, include: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland.¹

NOW, THEREFORE, I, JIMMY L. MORALES, as City Manager for the City of Miami Beach, Florida, pursuant to the authority vested in me under Section 26-31 of the City of Miami Beach Code of Laws and Ordinances (the "City Code"), have determined that there is reason to believe that there exists a clear and present danger of a riot or other general public disorder, widespread disobedience of the law, and substantial injury to persons or to property, all of which constitute an imminent threat to public peace or order, and to the general welfare of the City of Miami Beach, based upon the COVID-19 pandemic.

Accordingly, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors in the City of Miami Beach remain safe and secure.

The CDC has recommended mitigation measures in communities with COVID-19 cases, which include staying at home when sick, keeping away from others who are sick, and staying at home when a household member is sick with respiratory disease symptoms, or if instructed to do so by public health officials or a health care provider.

Moving forward during this time, the City will continue to monitor what the World

¹ However, such restriction does not apply certain groups of persons who are identified in the Proclamation.

Health Organization has determined to be a global pandemic, and the City will constantly evaluate planned mass gatherings as the situation continues to develop and evolve.

In order to ensure that COVID-19 remains controlled and to protect the public health, safety and welfare of the residents and visitors of the City of Miami Beach, this immediate action is **NECESSARY**.

AS SUCH, I HEREBY declare a State of Emergency throughout the territorial jurisdiction of the City of Miami Beach, and will be ORDERING and PROMULGATING the following emergency measures, which will be reasonably and necessarily implemented in response to this State of Emergency:

1. The establishment of curfews, including but not limited to the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provision of designated essential services such as fire, police and hospital services, including the transportation of patients thereto, utility emergency repairs, and emergency calls by physicians.
2. The prohibition of the sale or distribution of any alcoholic beverage, with or without the payment or a consideration therefore.
3. The prohibition of the possession on any person in a public place of any portable container containing any alcoholic beverage.
4. The closing of places of public assemblage with designated exceptions.
5. The prohibition of the sale or other transfer of possession, with or without consideration, of gasoline or any other flammable or combustible liquid altogether or except by delivery into a tank properly affixed to an operable motor-driven vehicle, bike, scooter, boat or airplane and necessary for the propulsion thereof.
6. The prohibition of the possession in a public place of any portable container containing gasoline or any other flammable or combustible liquid.

THE EMERGENCY MEASURES THAT WILL BE REASONABLY ORDERED AND PROMULGATED HEREIN WILL BE EFFECTIVE IMMEDIATELY, AND SHALL BE EFFECTIVE FOR A PERIOD OF 72 CONSECUTIVE HOURS OF THE DECLARED STATE OF EMERGENCY THROUGHOUT THE CITY OF MIAMI BEACH, UNLESS EXTENDED BY THE MIAMI BEACH CITY COMMISSION BY DULY ENACTED RESOLUTION IN REGULAR OR SPECIAL SESSION.

Any violation of these emergency measures shall subject the individual to arrest and criminal prosecution pursuant to Section 26-36 and Section 1-14 of the City Code.

CITY OF MIAMI BEACH, FLORIDA


Jimmy L. Morales, City Manager

Date: 3/12/2020

Time: 1:49 p.m.

ATTEST:

3/12/2020
Rafael E. Granado, City Clerk



STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-52

(Emergency Management - COVID-19 Public Health Emergency)

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern; and

WHEREAS, in response to the recent COVID-19 outbreak in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

WHEREAS, on March 1, 2020, I issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 7, 2020, I directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, as of March 9, 2020, eight counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and

WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, using of alcohol-based hand sanitizers with 60%-95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

WHEREAS, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Because of the foregoing conditions, I declare a state of emergency exists in the State of Florida.

Section 2. I designate the Director of the Division of Emergency Management ("Director") as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Additionally, I designate the State Health Officer and Surgeon General as a Deputy State Coordinating Officer and State Incident Commander.

Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

B. Designate additional Deputy State Coordinating Officers, as necessary.

C. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

D. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency

Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, "necessary action in coping with the emergency" means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan ("CEMP"); or (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54, Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions.

C. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

D. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

2) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);

3) Incurring obligations;

4) Employment of permanent and temporary workers;

5) Utilization of volunteer workers;

6) Rental of equipment;

7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,

8) Appropriation and expenditure of public funds.

E. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each State agency to report the closure of any State

building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

- 1) Maintain an accurate and up-to-date list of all such closures; and,
- 2) Provide that list daily to the State Coordinating Officer.

Section 5. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and the funds currently available may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 6. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 7. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 8. All activities taken by the Director of the Division of Emergency Management and the State Health Officer and Surgeon General with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 9th day of March, 2020.


RON DESANTIS, GOVERNOR

ATTEST:


SECRETARY OF STATE

1055

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Rafael E. Granado, City Clerk
DATE: March 13, 2020

SUBJECT: NOTICE OF SPECIAL COMMISSION MEETING.

RECOMMENDATION

NOTICE OF SPECIAL COMMISSION MEETING

MARCH 13, 2020

NOTICE IS HEREBY given that the City Commission of the City of Miami Beach, Florida, will hold a **Special Commission Meeting** on **March 13, 2020, at 1:00 p.m.**, in the Commission Chambers, 1700 Convention Center Drive, Third Floor, Miami Beach, Florida, to discuss the COVID-19 virus and the potential impact on our City.

INTERESTED PARTIES are invited to appear at this retreat, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Materials relating to this retreat will be available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This retreat may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its retreat, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City Clerk
City of Miami Beach

ANALYSIS

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Office of the City Clerk

ATTACHMENTS:

Description

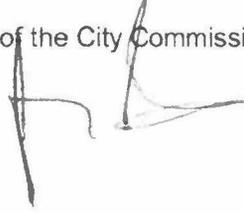
- ▢ Memorandum
- ▢ Declaration of a State Emergency

MIAMI BEACH

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: March 12, 2020

SUBJECT: Request to hold a Special Meeting of the City Commission

Pursuant to Section 2.04 of our City Charter, I hereby request that a Special Meeting of the City Commission be called for Friday, March 13, 2020 at 1:00 p.m. to discuss the COVID-19 virus and the potential impact on our City.